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December 22, 2023

VIA HAND DELIVERY

The Honorable Ann Marie Donio
United States Magistrate Judge
for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets, Room 1050, Courtroom 3B
Camden, NJ 08101

Re: *The HomeSource Corp. v. Retailer Web Services, LLC et al.*, Case No. 1:18-cv-11970-CPO-AMD, United States District Court for the District of New Jersey Motion to Compel Non-Party NewSpring Growth Capital V, L.P.

Dear Judge Donio:

Our firm represents NewSpring Growth Capital V, L.P. (“NewSpring Growth”) in connection with a subpoena duces tecum dated October 30, 2023 served on it by Defendants Retailer Web Services, LLC and Retailer Web Services II, LLC. Defendants filed a motion to compel production under the subpoena which is currently pending (ECF No. 389). It is our understanding that the subpoena was served after the close of discovery and the motion to compel was filed after the parties were instructed not to file further discovery motions.

This matter arises from allegations of defamatory statements made in 2018. In July 2023, NewSpring Growth made an investment into Plaintiff’s parent company, 563 Systems, LLC. Defendants now seek *all* documents in NewSpring Growth’s possession related to that transaction, including internal analyses, methodologies, and impressions that are highly confidential and proprietary documents. These documents, created 5 years after the alleged defamatory statements, appear to have little relevance to the claims in the pending litigation. In fact, many of the documents at issue are the subject of another motion to compel between the parties currently pending before the Court (ECF No. 359).

Duane Morris

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We respectfully request that the date by which NewSpring Growth must respond to Defendants' motion to compel be extended until after the Court determines the related motion to compel between the parties, which will impact the motion filed against NewSpring Growth. In the alternative, we respectfully request that the motion date be extended to February 5, 2024.

Defendants do not object to the latter request.

Respectfully,

/s/ James H. Steigerwald

James H. Steigerwald

cc: The Honorable Christine P. O'Hearn (by e-mail: njdnef_ohearn@njd.uscourts.gov)
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